

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

JENNIFER A GUNDERSON
Claimant

APPEAL NO. 07A-UI-08712-MT

**ADMINISTRATIVE LAW JUDGE
DECISION**

NEW CENTURY FS INC
Employer

OC: 04/01/07 R: 02
Claimant: Respondent (2)

Section 96.3-5 – Duration of Benefits (Employer Going Out of Business/Re-computation of Wage Credits)

STATEMENT OF THE CASE:

Employer filed an appeal from a decision of a representative dated September 12, 2007, reference 02, which held claimant eligible for business closing benefits pursuant to Iowa Code section 96.3-5 insurance benefits. After due notice, a telephone conference hearing was scheduled for and held on September 26, 2007. Claimant participated personally. Employer failed to respond to the hearing notice and did not participate. Exhibit One was admitted into evidence.

ISSUE:

The issue presented in this appeal is whether the claimant was laid off due to the employer going out of business and, therefore, is entitled to have the wage credits re-computed.

FINDINGS OF FACT:

The administrative law judge, having heard the testimony and considered all of the evidence in the record, finds: Claimant was laid off by employer on February 1, 2007 because claimant's temporary assignment had ended. Claimant completed her assignment. The business did not close.

REASONING AND CONCLUSIONS OF LAW:

The administrative law judge holds that the claimant was not laid off as a result of the employer going out of business and, therefore, is not entitled to a re-computation of wage credits.

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DECISION:

The decision of the representative dated September 12, 2006, reference 02, is reversed. The claimant is not entitled to have the unemployment insurance claim re-determined as a business

closing, including a re-computation of wage credits. The claimant's request for such re-determination and re-computation is denied.

Marlon Mormann
Administrative Law Judge

Decision Dated and Mailed

mdm/css